

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
v.) No. 98 CR 434-9
)
MICHAEL BLACK,)
)
Defendant-Appellant.)

MEMORANDUM ORDER

Just yesterday, the same day that this Court issued its memorandum and statement in conjunction with the notice of appeal filed last week by Michael Black ("Black"), Black filed still another document--this one captioned "Petitioner's Motion for Release or Detention Pending Appeal or District Court Decision" and unsigned by Black. That motion is puzzling in more than one respect. For example:

1. In Black's Introduction he asserts that he "has previously filed two separate pleadings, which are now before this Honorable Court, and are to be rule [sic] upon." To this Court's knowledge it has dealt fully with all of Black's multitudinous filings, and it has no idea what the quoted language refers to.

2. Later in the Introduction Black asserts that the motion's Ex. A, a photocopy of this Court's November 12, 2003 memorandum order that denied for lack of subject matter jurisdiction Black's then-submitted motion for the reduction

of the 168 month sentence that had been imposed on him June 6, 1999, contained a recommendation that certain physical services be provided to Black by the Bureau of Prisons. But an examination of that 2003 memorandum order confirms that no such recommendation was made or even hinted at.

Over and above those matters, which are really collateral to Black's motion, its most fundamental flaw is that he simply fails to understand the inapplicability of 18 U.S.C. §3143(b) and Fed. R. Crim. P. 38(b) to his current situation. There is no basis for this Court's ordering his release from the sentence that he has been serving for the last eight years, and that still has several years to go, on the strength of his current effort to appeal the rejection of a bootless petition for a writ of audita querela. Accordingly Black's current motion is denied.¹



Milton I. Shadur
Senior United States District Judge

Date: August 1, 2007

¹ This Court expresses no view as to the treatment that Black has been receiving from the Bureau of Prisons to deal with his distressing physical problems.